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AD HOC COMMITTEE ON THE INDIAN OCEAN

SUMMARY RECORD OF THE 400th MEETING

Held at Headquarters, New York,
on Monday, 8 July 1991, at 10 a.m.

Chairman: Mr. KALPAGE (Sri Lanka)

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The meeting was called to order at 11.05 a.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 45/77 (continued)

(a) WORK ON THE SUBSTANTIVE AND ORGANIZATIONAL ISSUES RELATED TO THE CONFERENCE ON THE INDIAN OCEAN IN ACCORDANCE WITH RESOLUTION 45/77 (continued) (A/AC.159/L.74, L.85, L.93 and L.109)

1. The CHAIRMAN invited the Committee to continue its consideration of the main elements contained in documents A/AC.159/L.85 and L.93. At the previous meeting, elements 1 to 10 and 17 to 19 had been agreed. At the same time, a number of delegations had expressed reservations. No agreement had yet been reached on elements 11 through 16. The delegations of Australia, India, Mauritius and Pakistan had submitted amendments. The delegation of Ethiopia had submitted a non-paper in which the 19 main elements were subdivided into two groups: one group included the basic principles governing the creation of the zone of peace in the Indian Ocean while the other contained elements relating to the adoption of effective measures. After conducting informal consultations, the representative of Ethiopia had announced that the elements that he had introduced in the non-paper were essentially elements that had been agreed to earlier in document A/AC.159/L.85. The previous meeting had concluded on the understanding that delegations would review their positions and that those 20 substantive issues and principles had already been agreed upon. At the end of the previous meeting it had seemed as if delegations were prepared to adopt the elements contained in the document entitled "Substantive elements for consideration at the United Nations Conference on the Indian Ocean". At the current meeting, the Committee's first task would be to adopt those substantive issues and principles, which would be submitted to the Conference for consideration. If he heard no objection, he would take it that the Committee wished to adopt those substantive issues and principles.

2. It was so decided.

3. The CHAIRMAN said that, at its previous meeting, the Committee had also deferred consideration of the rules of procedure, in particular rule 32, paragraphs 1, 2 and 6. The representative of Ethiopia had introduced proposals regarding those three paragraphs, and the representative of India had said that he would express his views on those proposals after consulting with his Government.

4. Mr. JAIN (India) said that his delegation's main concern had been the amendments that it had itself submitted; it was not concerned about all the amendments that had been submitted by other delegations. In that connection he had held consultations with the representatives of Sri Lanka and Ethiopia. Both had been diligent in their efforts to reach agreement and, in his view, they should report to the Committee on the final outcome of the consultations.

5. Mr. HAGOSS (Ethiopia) said that a new formulation of paragraph 1 of rule 32 had been agreed in the course of the consultations. It read as follows:

> "Except for the adoption of the substantive parts of the report of the Conference, which shall be by consensus, the Conference shall make every effort to ensure that, as far as possible, all other substantive decisions are adopted by consensus."

Paragraph 2 should remain as it stood with the exception of the words contained in square brackets; they would be deleted as proposed in the amendment by the representative of India. The proposal of the representative of India to delete the words within square brackets in paragraph 6 of rule 32, namely "provided that for a decision of any matter of substance the presence of representatives of two thirds of such States shall be required", had been adopted.

6. The CHAIRMAN said that if he heard no objection, the new wording of paragraphs 1, 2 and 6 as proposed by the representative of Ethiopia would be circulated in writing among the delegations so that the Committee could take a decision on rule 32 and make the appropriate amendment to rule 17, which dealt with quorums.

7. It was so decided.

8. Mr. MAHMOOD (Pakistan) supported the proposal to circulate the new wording of paragraphs 1, 2 and 6 in writing before the Committee took a decision. When the text was available, his delegation would comment thereon.

9. The CHAIRMAN said that draft rule 32 together with the proposed amendments would be circulated among the delegations.

10. Ms. COURTNEY (Australia) said that, in addition to rule 32, on which final agreement had yet to be reached, the issue of participation in the Conference remained unresolved. That issue would have to be considered, either right away or at a later stage in the consideration of the amendments to rule 32.

11. The CHAIRMAN said that the issue would be considered before the end of the current session.

12. Mr. BANDARA (Sri Lanka) said that, in its final discussion of rule 32, the Committee would also have to consider rule 62, which contained references to rules 31 and 32. In view of the fact that rules 31 and 32 had been merged into one, the reference to rule 31 in rule 62 would have to be deleted.

13. The CHAIRMAN said that rule 62 would be amended accordingly.

14. He invited the Committee to consider document A/AC.159/L.74 and recalled that the document had been submitted in 1987 by the representative of Sri Lanka on behalf of the non-aligned States members of the Committee. The document proposed that the Conference on the Indian Ocean should be held in several stages. The document referred to such issues as the duration of the conference, its main objectives, the establishment of committees, subcommittees and working groups, the level of representation and documentation. A second and third stage of the Conference was envisaged.

15. Ms. COURTNEY (Australia) pointed out that document A/AC.159/L.74 had been submitted by the non-aligned group. It should therefore not be assumed that it had the unanimous support of the members of the Committee. It would be a good idea to discuss the document in detail, however, not with a view to adopting straightaway any given part, for her delegation could not agree at the current stage with all aspects of the document regarding the holding of the Conference.

16. The CHAIRMAN said that the document had been submitted in 1987. Discussion of the document had been included in the programme of work adopted at the beginning of the session, and the members of the Committee must consider that document and take decisions on the issues contained in it.

17. Mr. MAHMOOD (Pakistan) said that, as a member of the group of non-aligned States, Pakistan had participated in the preparation of the original text that had served as the basis for document A/AC.159/L.74. However, he had objections to specific points in the amended document, A/AC.159/L.74, which the Committee should discuss in the light of the original document.

18. The CHAIRMAN said that the Committee did not currently have at its disposal the document to which the representative of Pakistan had referred. If the representative of Pakistan had expressed his objections earlier, they could have been taken into account during the drafting of document A/AC.159/L.74. That document dealt with specific issues that must be discussed and on which consensus decisions must be taken.

19. Mr. HAGOSS (Ethiopia) proposed that, since the Secretariat would not be able to provide the Committee with the document to which the representative of Pakistan had referred, the representative of Pakistan should state his objections and the members of the Committee should discuss them.

20. Mr. JAIN (India) said that document A/AC.159/L.74 had been submitted on behalf of all the non-aligned States members of the Committee, and he wondered whether the representative of Pakistan did not have in mind an earlier document submitted by some other delegation on his behalf. He doubted that such a document existed.

21. The CHAIRMAN recalled that the Committee had begun its substantive consideration of A/AC.159/L.74 and suggested that delegations should take the floor in order to make specific observations or proposals without referring to documents that preceded the document under discussion.

22. Mr. AL-ALFI (Yemen) proposed a number of clarifications that should be included in the draft resolution to be submitted to the General Assembly. If the Assembly decided at its next session to hold the Conference in 1992, the draft resolution should indicate specific dates for holding it since, after its forty-sixth session, the Assembly would not meet again before the Conference. Moreover, in the second sentence of paragraph 1 of document A/AC.159/L.74, the phrase "depending on the nature of the Conference and programme of work" should be deleted. The duration of the Conference should be decided as soon as possible since, by the time the draft resolution was adopted, the nature and programme of work of the Conference would already be known.

23. In paragraph 2 (c), direct reference should be made to the continued existence of the Ad Hoc Committee. At the current stage, the Committee was involved in preparations for the Conference. If the preparations were completed, the question of renewing the Committee's mandate could be decided only in 1994, at the forty-ninth session of the General Assembly.

24. Section II of document A/AC.159/L.74 stated that the work of the second stage of the Conference would be based on the report of the first stage. However, it was not likely that a report would be adopted on the results of the first stage. It was therefore necessary to establish a more concrete link between the first and second stages. With regard to the negotiating and finalizing of international agreements referred to in section II, it was necessary to guarantee that the major Powers that used the Indian Ocean would be able to participate in that process. Finally, specific time-limits should be set for the third stage of the Conference. As currently worded, the document stated simply that the third stage would be "held after the completion of the work assigned to the second stage".

25. Mr. BANDARA (Sri Lanka), referring to the statement made by the representative of Pakistan, asked him to clarify what document he had been referring to. Document A/AC.159/L.74 had been submitted by the delegation of Sri Lanka on behalf of all the non-aligned States members of the Committee.

26. Mr. SHA Zukang (China) said that several years had passed since the submission of A/AC.159/L.74 - which China had supported - and the situation had changed in many respects, since a certain amount of progress in the preparations for the Conference had been made. In its discussion of that document, the Committee should also consider the provisional agenda as well as the provisional rules of procedure for the Conference, on which general agreement had been reached. With regard to the idea of holding the Conference

(Mr. Sha Zukang, China)

in three stages, it was currently difficult to predict the nature of the second and third stages because they were so remote. The Committee should therefore focus its attention on the first stage of the Conference, the results of which would determine all subsequent work.

27. In the light of the agreement that had been reached on items 12, 13 and 14 of the provisional agenda for the Conference, which dealt with the situation in the Indian Ocean area, the principal elements of the Indian Ocean as a zone of peace and the programme of action, there was no need to discuss paragraphs 2 (a) and 2 (b) of document A/AC.159/L.74. The question of establishing main committees (para. 3) was dealt with in the provisional rules of procedure. With respect to paragraph 2 (c), he observed that the Committee had been established as a preparatory body to the Conference on the Indian Ocean and, if the Conference was held, it would have completed its mandate; that gave rise to the question of whether or not the Committee should continue to exist. Undoubtedly, the Conference could adopt a decision that would enable the Committee to continue its work; however, in that case, the Committee's mandate would be different from its current one.

28. Particular attention should be given to the dates for holding the Conference, the level of representation, and documentation, as referred to in document A/AC.159/L.74, since the Committee would have to adopt decisions on those issues. The Committee should therefore focus on substantive issues relating to the first stage of the Conference.

29. Ms. COURTNEY (Australia) agreed with the opinion that many paragraphs of document A/AC.159/L.74 had become irrelevant as a result of the drafting of the provisional agenda and the agreement reached on the provisional rules of procedure. With respect to paragraph 2 (c), she observed that, after the Committee completed the preparations for the Conference, it would have fulfilled its mandate, it should be up to the Conference to decide whether or not to extend the Committee's mandate. Since agreement had been reached on the rules of procedure, paragraphs 3 and 4 of document A/AC.159/L.74 could be dispensed with. There had been no precedent whereby a preparatory body had made recommendations to Governments on the level of representation; the countries themselves should decide that matter. There was also no need to return to the question of documentation, which was dealt with in the rules of procedure.

30. Regardless of how many stages the forthcoming Conference had, its nature would, doubtedly, be complex, and it would most likely be difficult to reach an agreement. Therefore, in order to encourage the participation of delegations that did not agree that the Conference should be held in stages, it would first be necessary to agree on convening the Conference on the condition that the question of holding subsequent stages would be discussed during the Conference.

31. Mr. HAGOSS (Ethiopia), referring to the question of holding the Conference in stages, said that the Conference should be conducted in a manner that would make it possible to adopt a general political parameter, followed by negotiations on a legally binding instrument and, finally, the signing of that instrument at the level of plenipotentiaries. However, in view of the fact that a number of countries did not wish to commit themselves to any legally binding instrument, it would be strategically more expedient for the Committee to confine itself to taking a decision on the holding of the first stage of the Conference, during which not only the overall parameter but also the ways and means of implementing the instruments agreed by the participants in the Conference, would be determined. His delegation was, however, in favour of holding the Conference in three stages.

32. His delegation wholeheartedly supported the proposal by Yemen to delete, in the second sentence of paragraph 1 of document A/AC.159/L.74, the words "up to" before the words "10 days" and to delete the rest of the sentence following those words.

33. Paragraph 2 could be stated more succintly, by referring to the provisional agenda but without mentioning the future role and functions of the Committee. It would also be advisable to delete paragraphs 3 and 4 of document A/AC.159/L.74 since the rules of procedure contained similar provisions. With regard to the observation made by the representative of Australia concerning the level of representation, his delegation could agree to the issue being mentioned in a footnote to the document or included in the Committee's report to the General Assembly, although he stressed that the provision on the level of representation had been included only as a recommendation. Concerning documentation, it was necessary to understand clearly which documents would be submitted to the Conference.

34. If the Committee decided that the Conference should be held in three stages, it would have to stipulate that the venue and duration of the second and third stages would be determined by participants at the first stage of the Conference. Undoubtedly, the first thing was to decide at the conceptual level whether to hold the Conference in stages and then to proceed accordingly.

35. Mr. MAHMOOD (Pakistan) proposed that the first sentence following the title of the annex contained in document A/AC.159/L.74 should be amended to read as follows: "The United Nations Conference on the Indian Ocean as a zone of peace ...". The provisions of paragraph 2 also should be linked to the aims of the Declaration of the Indian Ocean as a zone of peace. Furthermore, the proposal of the representative of China concerning the need to proceed on the basis of the agenda of the Conference, in particular items 12, 13 and 14 thereof, should be adopted. His delegation also supported the idea of holding the Conference in three stages.

36. Mrs. MULA MULA (Tanzania) said that her delegation was prepared to be flexible on the issue broached by the representative of China concerning the advisability of including specific elements in the description of the first stage of the Conference. She recalled that the Committee had originally been

(Mrs. Mula Mula, Tanzania)

established to consider substantive issues relating to the creation of a zone of peace in the Indian Ocean. Accordingly, the Committee's completion of the preparations for the Conference did not by any means signify that the Committee should be disbanded, since its original mandate would most likely remain in force. Participants in the first stage of the Conference would have to request the General Assembly, on the basis of the Committee's original mandate, to adopt a decision to extend the Committee's work on substantive issues relating to the Declaration of the Indian Ocean as a zone of peace. One of the Committee's functions in that area would be to consider draft agreements which might be drawn up at the second stage of the Conference. In that regard, her delegation fully agreed with the representative of Yemen.

37. With regard to the level of representation, the General Assembly had repeatedly put forward recommendations for the holding of a series of conferences. In that case, it would clearly be preferable to ensure representation at the ministerial level. Her delegation hoped that a provision to that effect would be included either in a General Assembly resolution or in a Committee recommendation. Moreover, the question of the documentation to be submitted to the Conference for consideration should be mentioned in some form or another.

38. She disagreed with the pessimistic remarks to the effect that it was unlikely that the Conference would succeed in adopting a report on the outcome of the first stage. In any event, the Conference would have to make recommendations, and those recommendations would have to be included in a report. With respect to the third stage, she doubted that the Committee would be able to determine beforehand at what stage a particular agreement would be signed. That would depend on the outcome of the previous stages because the stages were all interdependent.

39. Mr. JAIN (India), commenting on document A/AC.159/L.74, said that, according to the Declaration itself, the Conference would be held in at least two cities. The first stage would involve consultations between the countries of the region and the Great Powers with a view to halting the further escalation and expansion of Great-Power military presence in the Indian Ocean and to dismantle all bases and military installations in the Indian Ocean area. At the second stage, the Committee on the Indian Ocean or any other body with the competence to discuss those issues would consider all appropriate measures for implementing any international agreement which could ultimately be reached with a view to maintaining the Indian Ocean as a zone of peace. Currently, it was exceedingly difficult to predict the outcome of the first round of talks at the Conference. With respect to the proposal made by the representative of Pakistan to change the name of the Conference, he said that, in the view of his delegation, any attempt to change the name of the Conference would lead to many substantive issues being again called into question.

40. With regard to the first stage of the Conference, which would be held in Colombo, his delegation had no objection to the established duration of

(Mr. Jain, India)

10 days. However, in that case, it would be advisable to discuss the main objectives of the first stage. In that connection, the whole of paragraph 2 of document A/AC.159/L.74 could be deleted because the work would be defined in the agenda and rules of procedure. Paragraphs 3 and 4 could also be deleted because they were covered by the provisional rules of procedure.

41. He agreed with the view expressed by the representative of Australia that the Committee should not give any instructions regarding the level of representation. At the same time, the level of representation at the Conference should be fairly high, preferably the ministerial level. In that connection, his delegation agreed that the Committee should make a recommendadtion on the subject. The question remained what form the recommendation should take. It could be formulated either in a draft resolution or in one of the sections of the report. The section on documentation could be omitted entirely, since all documents would be mentioned in the Committee's report.

42. With regard to the second and third stages of the Conference, there was no need to predetermine the outcome of the first stage or to try to predict which international agreements would be reached, whether or not they would be binding, and so forth. Consideration of those issues should be postponed to a later stage.

43. In the light of the observations that had been made, his delegation considered that the whole of document A/AC.159/L.74 could be compressed into two or three sentences. It could state that the United Nations Conference on the Indian Ocean would be held in more than one stage. The first stage would be held in Colombo, Sri Lanka, and it would last up to 10 days. Work would proceed in accordance with the agenda, the provisional rules of procedure and any other document the Committee might refer to the Conference. Work at the next stage (or stages) could be conducted on the basis of the report on the work of the first stage of the Conference. Such work could include the conduct of negotiations and the conclusion of an international agreement for the establishment of a zone of peace. That could facilitate work and contribute to the Conference's success.

44. Mr. AL-ALFI (Yemen) said that, at the current stage, there was no clear understanding of what the ultimate goal should be: the holding of the Conference as such or the implementation of the Declaration of the Indian Ocean as a zone of peace. In his view, the ultimate goal was the implementation of the Declaration. The decision whether or not to hold the Conference in stages should be taken with that in mind.

45. The question concerning the stages of the Conference should be approached with great circumspection and seriousness. The document under discussion indicated clearly that the first stage of the Conference would be held in Colombo. Since the venue of the second stage had not been indicated, he

(Mr. Al-Alfi, Yemen)

wondered whether the second stage would also be held in Sri Lanka. It was necessary to study that question and, if the intention was to hold all stages of the Conference in Sri Lanka, then that should be clearly stated.

46. The question of the level of representation must be decided prior to the first stage, because it had been proposed that policy statements should be heard at that stage, and it would be better if they were delivered at the ministerial level.

47. One reason why the Committee would have to continue its work was that it would be responsible for drafting the report containing the final document of the Conference. The Committee would also be responsible for ensuring the continuity of work to implement the Declaration.

The meeting rose at 1 p.m.